

REMARKS

Claims 1, 3-6, 9-23, 27-29, 33-41, and 44-50 are before the Examiner. Claim 42 has been cancelled without prejudice.

Claim 1 has been amended to include that the recyclable-free, hazardous waste-free municipal solid waste is in the form of a fluff, as supported, for example, at page 9, lines 1 to 7 of the original description. Claim 18 has been amended to refer to "treating" rather than "reducing," as supported at page 8, lines 1 to 3 of the original description.

The Examiner's remarks in the Office Action are addressed below.

37 C.F.R. § 1.75(c)

The Examiner has objected to Claim 42 under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 42 has been cancelled without prejudice.

35 U.S.C. § 112

The Examiner has rejected claims 1, 18 and 50 and their dependents under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Examiner has rejected claims 1 and 18, on the grounds that the specification does not support the limitation that the municipal solid waste is "substantially free of glass, metals, plastics and paper." The Examiner further asserts that all recitations regarding these materials state that the waste is free of these materials. Applicant respectfully disagrees with the Examiner. The Applicant submits that one of ordinary skill in the art would interpret that there is support for the phrase "substantially free of glass, metals, plastics and paper" at page 8, lines 26 to 32 of the original description; "it is intended that the sorted municipal solid waste that is fed to hammer mill fiberizer system 18 be free or essentially free of hazardous waste. In addition, the municipal solid waste should be free of or have a low content of recyclable materials, especially of

recyclable materials that may result in hazardous or unacceptable emission" (emphasis added).

The Examiner has also rejected claims 18 and 50, on the grounds that the term "reducing" is broader than claimed and disclosed; "shredding and pulverizing." Claims 18 and 50 have been amended to refer to "treating" rather than "reducing," which are supported at page 8, lines 1 to 3 of the original description; "the municipal solid waste fraction obtained is then further treated e.g., shredded and pulverized to form a fluff, which is then pelletized" (emphasis added). Shredding and pulverizing is simply an example of "treating."

The Examiner has also rejected claim 18, on the grounds that the specification does not support the language "before and/or after (b)." Original claim 26 includes the embodiment wherein at least one waste substance of high fuel value is added prior to forming a fluff (e.g., (b)). The description at page 6 has been amended to include the language of original claim 26. Page 9, lines 1 to 7, of the description also provides support for adding a waste substance after (b); "in hammer mill fiberizer system 18, the sorted waste is reduced to a fluff, which is sent to processed waste silo 21. The fluff in silo 21 is fed to mixing tank 22, where it is usually mixed with other waste products, for example, waste rubber and carpet from silos 23 and 24, hydrocarbons from silo 26, wood and yard waste from silos 27 and 28, and sludges from silo 20. Other high value BTU waste products may be mixed with these waste products." Applicant submits that one of ordinary skill in the art, in view of this support, would conclude that the waste substance can be added before and/or after (b).

35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 3-6, 9-17, 44 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Sprules (U.S. Patent No. 6,113,662). Applicant respectfully traverses this rejection.

Pending independent claim 1 recites a combustible pellet having a fuel value of at least 10,000 BTU per pound. The pellet comprises recyclable-free, hazardous waste-

free municipal solid waste in the form of a fluff and at least one waste substance having a fuel value of at least 10,000 BTU per pound, wherein the recyclable-free, hazardous waste-free municipal solid waste is substantially free of glass, metals, plastics, and paper.

The Examiner asserts that Sprules teaches a fuel pellet comprising at least 50% spent dried coffee grounds (municipal solid waste), a combustible wax (hydrocarbon material), a coking agent and/or a cellulose material (wood, leaves, etc.) (see abstract; Col. 2, lines 50-52, 64-66; Col. 3, lines 37-44; Col 10, lines 39-59). The Examiner further asserts that Sprules teaches that coffee grounds are clean burning and are less likely to produce polycyclic aromatic hydrocarbons during combustion (see Col. 3, lines 24-36) and that the use of coffee grounds as a fuel source diverts waste from landfills (see Col. 3, lines 61-63).

The Examiner admits that Sprules does not specifically teach the heating value of the fuel pellet of the claimed invention, the emission properties of claim 9, and the size and shape of the pellets. However, the Examiner asserts that these differences are obvious in view of Sprules for the reasons set out at pages 4 and 5 of the Office Action.

Applicant respectfully submits that Sprules does not teach or suggest a combustible pellet having a fuel value of at least 10,000 BTU per pound, wherein the pellet comprises recyclable-free, hazardous waste-free municipal solid waste in the form of a fluff and at least one waste substance having a fuel value of at least 10,000 BTU per pound. The only "municipal solid waste" substance taught in Sprules was spent coffee grounds, which was not taught or suggested to be in the form of a fluff.

To establish *prima facie* obviousness of a rejected claim, the applied art of record must teach or suggest each and every feature of a rejected claim. See M.P.E.P. § 2143.03. Sprules fails to teach or suggest each and every feature of rejected Claim 1. Therefore, Claim 1 is not rendered obvious in view of the applied teaching of Sprules and should be deemed allowable.

Claims 3-6, 9-17, 44 and 45 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Independent Claim 18 has, *inter alia*, at least some features generally similar to some of the features of Claim 1. Accordingly, Claim 18 is patentable over Sprules for the reasons discussed above with reference to Claim 1 and for the additional features of Claim 18.

Claims 19-23, 27-29, 33-41, and 46-50 depend from Claim 18. Accordingly, these claims are patentable over Sprules for the reasons discussed above with reference to Claim 18 and for the additional features of these claims.

Based on these submissions, the Applicant respectfully requests withdrawal of the rejection of the present claims.

Conclusion

For the reasons given above, Applicant respectfully requests reconsideration of this application and timely allowance of the pending claims. Applicant submits that the pending claims are in condition for allowance.

Respectfully submitted,
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